IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2987 OF 2006

Pradeep Anandkumar Ambure ..Petitioner.

V/s.

Sanmati Co-operative Housing Society Ltd. & Ors. ..Respondents.

Mr.P.M.Chakurkar for petitioner.

Mr.R.S.Apte with A.A.Garge for respondents.

CORAM : R.M.SAVANT, J.

DATED : 6TH JUNE, 2007.

P.C. :-

This petition is filed under Article 227 of the Constitution of India, impuging the order dated 8/12/2005 passed in Appeal No.88/2003 filed by the petitioner abovenamed before the Maharashtra State Co-operative Appellate Court. By the said order, the order dated 30/4/2003 of the Learned Judge, Co-operative Court, Solapur in Dispute No.632/1998 has been set aside.

2. The petitioner is the son of the respondent No.2. The dispute is in regard to the flat in the respondent No.1 Society. The said flat was originally standing in the name of respondent No.2 which came to

be transferred by respondent No.2 in the name of petitioner. Thereafter pursuant to the execution of certain documents which are a pre-requisite for transfer the said flat was retransferred by the petitioner in the name of the respondent No.2. The petitioner seeks to challenge the said re-transfer on the ground that the said documents were obtained by deception and coercion. The Appellate Court on the basis of the material before it has arrived at a conclusion that the petitioner has failed to prove that the said documents were obtained on account of fraud or coercion.

3. It is an unfortunate case where the son is fighting against his father, who had originally transferred the flat in the sons name in the year 1983 and which was re-transferred in the name of his father. No case is made out for interference with the findings of the Appellate Court.

4. Petition is, therefore, dismissed.

(R.M.SAVANT, J.)